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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**EUGINA ROSE ALBRECHT
A.K.A. EUGINA EMMONS ALBRECHT
P O Box 947
Semmes, AL 36575
And
2531 Wedgewood Dr
Semmes, AL 36575**

Registered Nurse License No. 744819

RESPONDENT

Case No. 2013-161

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 5, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-161 against Eugina Rose Albrecht, aka Eugina Emmons Albrecht (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about February 11, 2009, the Board of Registered Nursing (Board) issued Registered Nurse License No. 744819 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on July 31, 2010 and has not been renewed.

3. On or about September 5, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-161, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

1 P O Box 947

2 Semmes, AL 36575.

3 Respondent was also served to 2531 Wedgewood Dr, Semmes, AL 36575.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

7 5. On or about September 24, 2012, the signed Certified Mail Receipt was returned to
8 our office with a forwarding address of 2531 Wedgewood Dr, Semmes, AL 36575. On or about
9 October 8, 2012, the certified mail addressed to 2531 Wedgewood Dr, Semmes, AL 36575 was
10 returned by U S Postal Service marked "Unclaimed." The address on the documents was the
11 same as the address on file with the Board. Respondent failed to maintain an updated address with
12 the Board and the Board has made attempts to serve the Respondent at the address on file.
13 Respondent has not made herself available for service and therefore, has not availed herself of her
14 right to file a notice of defense and appear at hearing.

15 6. Business and Professions Code section 2764 states:

16 The lapsing or suspension of a license by operation of law or by order or decision of
17 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
18 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
19 against such license, or to render a decision suspending or revoking such license.

20 7. Government Code section 11506 states, in pertinent part:

21 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
22 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
23 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
24 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

25 8. Respondent failed to file a Notice of Defense within 15 days after service of
26 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
27 No. 2013-161.

28 9. California Government Code section 11520 states, in pertinent part:

1 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
2 agency may take action based upon the respondent's express admissions or upon other evidence
3 and affidavits may be used as evidence without any notice to respondent.

4 10. Pursuant to its authority under Government Code section 11520, the Board after
5 having reviewed the proof of service dated September 5, 2012, signed by Kami Pratab, and the
6 returned envelope finds Respondent is in default. The Board will take action without further
7 hearing and, based on Accusation No. 2013-161 and the documents contained in Default Decision
8 Investigatory Evidence Packet in this matter which includes:

9 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-161,
10 Statement to Respondent, Notice of Defense (two blank copies), Request
11 for Discovery and Discovery Statutes (Government Code sections
12 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
13 receipt or copy of returned mail envelopes;

14 Exhibit 2: License History Certification for Eugina Rose Albrecht, aka Eugina
15 Emmons Albrecht, Registered Nurse License No. 744819;

16 Exhibit 3: Court and Arrest Records;

17 Exhibit 4: Out of State Discipline (Alabama and Florida Boards of Nursing);

18 Exhibit 5: Affidavit of Kevin Dutchover, Patricia Christman-DeMellopine and Kami
19 Pratab;

20 Exhibit 6: Certification of costs by Board for investigation and enforcement in Case
21 No. 2013-161;

22 Exhibit 7: Declaration of costs by Office of the Attorney General for prosecution of
23 Case No. 2013-161.

24 The Board finds that the charges and allegations in Accusation No. 2013-161 are separately and
25 severally true and correct by clear and convincing evidence.

26 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
27 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
28 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that

1 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
2 \$17,152.55 as of October 16, 2012.

3 DETERMINATION OF ISSUES

4 1. Based on the foregoing findings of fact, Respondent Eugina Rose Albrecht, aka
5 Eugina Emmons Albrecht has subjected her following license(s) to discipline:

6 a. Registered Nurse License No. 744819

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)
9 based upon the following violations alleged in the Accusation, which are supported by the
10 evidence contained in the Default Decision Investigatory Evidence Packet in this case.

11 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
12 action by another State Board of Nursing.

13 b. Violation of Business and Professions Code section 2761(f) - Conviction
14 substantially related to the qualifications, functions and duties of a
15 registered nurse.

16 c. Violation of Business and Professions Code section 2762(a) - Obtaining or
17 possessing controlled substances without a prescription.

18 d. Violation of Business and Professions Code section 2762(b) - Use of controlled
19 substance or alcohol to an extent or in a manner dangerous or injurious to
20 oneself and others.

21 e. Violation of Business and Professions Code section 2762(c) - Criminal
22 conviction involving alcoholic beverages or controlled substances.

23 f. Violation of Business and Professions Code section 2762(e) - Falsify, or make
24 grossly incorrect, grossly inconsistent, or unintelligible entries in any
25 hospital, patient, or other record pertaining to a controlled substance.

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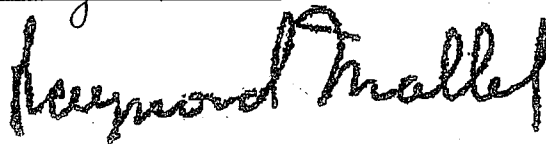
ORDER

IT IS SO ORDERED that Registered Nurse License No. 744819, heretofore issued to Respondent Eugina Rose Albrecht, aka Eugina Emmons Albrecht is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 15, 2013.

It is so ORDERED January 16, 2013



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2013-161

Exhibit A

Accusation No. 2013-161

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-161**

13 **EUGINA ROSE ALBRECHT**
14 **AKA EUGINA EMMONS ALBRECHT**
P.O. Box 947
Semmes, AL 36575

ACCUSATION

15 **Registered Nurse License No. 744819**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about February 11, 2009, the Board of Registered Nursing issued Registered
24 Nurse License Number 744819 to Eugina Rose Albrecht, aka Eugina Emmons Albrecht
25 ("Respondent"). The Registered Nurse License expired on July 31, 2010, and has not been
26 renewed.

27 **JURISDICTIONAL STATUTES**

28 3. This Accusation is brought before the Board of Registered Nursing ("Board"),

1 Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
4 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
5 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
6 Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
8 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
9 licensee or to render a decision imposing discipline on the license.

10 6. Section 118, subdivision (b), of the Code provides that the
11 suspension/expiration/surrender/cancellation of a license shall not deprive the
12 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
13 within which the license may be renewed, restored, reissued or reinstated.

14 DISCIPLINARY STATUTES AND REGULATIONS

15 7. Section 2761 of the Code states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct . . .

19 . . .

20 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
21 against a health care professional license or certificate by another state or territory of the United
22 States, by any other government agency, or by another California health care professional
23 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
24 action.

25 . . .

26 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
27 functions, and duties of a registered nurse, in which event the record of the conviction shall be
28 conclusive evidence thereof."

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8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

9. Section 490 of the Code states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business

1 or profession for which the license was issued.

2 ...
3 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
4 conviction following a plea of nolo contendere. Any action that a board is permitted to take
5 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
6 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
7 made suspending the imposition of sentence, irrespective of a subsequent order under the
8 provisions of Section 1203.4 of the Penal Code."

9 ...
10 10. Code section 4022 states:

11 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
12 use in humans or animals, and includes the following:

13 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
14 prescription," "Rx only," or words of similar import.

15 (b) Any device that bears the statement: "Caution: federal law restricts this device to
16 sale by or on the order of a -----," "Rx only," or words of similar import, the blank
17 to be filled in with the designation of the practitioner licensed to use or order use of
18 the device.

19 (c) Any other drug or device that by federal or state law can be lawfully dispensed
20 only on prescription or furnished pursuant to Section 4006.

21 11. Code section 4060 states, in pertinent part:

22 No person shall possess any controlled substance, except that furnished to a person
23 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
24 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
25 issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
26 pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a
27 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either
28 subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph
(5) of, subdivision (a) of Section 4052 ...

12. Health and Safety Code section 11173 provides:

25 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or
26 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
27 deceit, misrepresentation, or subterfuge; or (b) by concealment of a material fact.

28 (b) No person shall make a false statement in any prescription, order, report, or record,

required by this division.

(c) No person shall, for the purpose of obtaining controlled substances, falsely assume the title of, or represent himself to be a manufacturer, wholesaler, pharmacist, physician, dentist, ... or other authorized person."

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES AT ISSUE

14. "SOMA" is the trade name for Carisoprodol, used for the treatment of acute musculoskeletal pain. It is classified as a dangerous drug pursuant to Code section 4022.

15. "Norco" is the trade name for Hydrocodone 5 (or 10) milligrams with 325 milligrams of Acetaminophen used for the treatment of moderate to severe pain. It is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(I), and a dangerous drug pursuant to Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Diversion/ Forged Prescriptions for Controlled Substances)

16. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivisions (a) and (e) and/or pursuant to Health and Safety Code section 11173, subdivisions (a), (b) and (c), as in July 2010, she forged prescriptions and/or obtained possession of controlled substances by fraud and deceit. The facts and circumstances in support of this cause for discipline are as follows:

a. On or about July 3, 2010, Respondent had filled two forged prescriptions she presented to Safeway Pharmacy, Palo Alto, California, for 60 tablets of Norco 10, and 90 tablets of SOMA. The prescriptions were allegedly signed by Dr. R.W., who denied prescribing these medications to Respondent.

b. On or about July 7, 2010, Respondent had filled a forged prescription she presented to CVS Pharmacy, Fremont, California, for 60 tablets of Norco 10, and 90 tablets of SOMA. The prescription was allegedly signed by Dr. E.R., who denied prescribing these medications to Respondent.

c. On or about July 15, 2010, Respondent had filled a forged prescription she presented to Walgreens Pharmacy, San Carlos, California for 60 tablets of Norco 10, and 90 tablets of SOMA. The prescription was allegedly signed by Dr. E.R., who denied prescribing these medications to Respondent.

d. On or about July 18, 2010, Respondent had filled two forged prescriptions she presented to Rite Aid Pharmacy, San Mateo, California, for 60 tablets of Norco 10, and 90 tablets of SOMA. The prescriptions were allegedly signed by Dr. M.H., who denied prescribing these medications to Respondent.

e. During an interview with her employer, Stanford University Hospital, Stanford, California, Respondent on July 29, 2010, admitted using prescription pads from various physicians at the hospital to prescribe for herself SOMA and Norco that she then had filled at various pharmacies.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Criminal Conviction)

17. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code sections 2761, subdivision (a), and (f), 2762 (c) and/or 490, in that on or about January 18, 2012, in a criminal proceeding entitled *The People of the State of California v. Eugina Emmons Albrecht*, San Mateo County Superior Court, Case No. SM 373169, Respondent was convicted by her plea of no contest to a violation of Vehicle Code section 23152(a) [Driving while under the influence of alcohol and/or drugs], a misdemeanor. Respondent was sentenced to court probation for three (3) years, two (2) days county jail, fined \$1,795.00 and ordered to participate in the First Offender Program. The facts and circumstances in support of this cause for discipline are as follows:

1 a. On or about July 21, 2010 at 12:28 a.m., the San Carlos Police Department was
2 dispatched on a citizen's report of a driver who was weaving across the roadway and stopping for
3 green lights in the city of Belmont, California.

4 b. The officers responded to the location and observed Respondent's vehicle straddling
5 two lanes of El Camino Real, failing to use her signal light when changing lanes and remaining
6 stopped at an intersection when the traffic signal was green.

7 c. Respondent was noted to have very slurred speech, appeared to be dazed and had
8 glassy eyes with drooping eyelids. Respondent did not have the odor of alcohol on her breath.
9 She initially denied taking any medications but later admitted that she had taken SOMA and
10 Norco earlier in the evening. Respondent failed field sobriety tests.

11 THIRD CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Dangerous Use of Controlled Substances)

13 18. Respondent is subject to disciplinary action for unprofessional conduct under Code
14 sections 2761, subdivision (a) as defined in 2762, subdivision (b), in that she used the controlled
15 substances SOMA and/or Norco to an extent and in an amount that was dangerous to herself
16 and/or the public. The facts in support of this cause for discipline are as follows:

17 a. On or about July 21, 2010, Respondent was found to be under the influence of drugs
18 while driving a vehicle as set forth above in paragraph 17.

19 b. On or about July 19, 2010, Respondent reported to work at Stanford University
20 Hospital, while under the influence of a controlled substance. While on duty, Respondent was
21 observed to have slurred speech, half closed eyes and pinpoint pupils. She submitted to drug
22 testing, was placed on administrative leave and subsequently terminated on August 25, 2010.

23 FOURTH CAUSE FOR DISCIPLINE

24 (Gross Negligence – Under the Influence of a Controlled Substance While on Duty)

25 19. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1),
26 for gross negligence in that on July 19, 2010, she reported for duty at Stanford University
27 Hospital while under the influence of a controlled substance. The facts in support of this cause
28 for discipline are set forth above in paragraph 18, subdivision (b).

1 FIFTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Out-of-State Discipline)

3 20. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4),
4 for the out-of-state discipline imposed on her registered nursing license. The facts in support of
5 this cause for discipline are as follows:

6 a. On or about May 25, 2011, *In the Matter of: Eugina Rose Albrecht*, License No. 1-
7 098944, Case No. 2011-0217, the Alabama Board of Nursing accepted Respondent's surrender of
8 her registered nursing license. Said surrender came approximately one month prior to the June
9 24, 2011, filing of an indictment in the case of *State of Alabama v. Eugina Albrecht*, Circuit Court
10 of Mobile Count, Case No. CC-2011-002969, based on Respondent's December 1, 2010, arrest
11 for attempting to purchase SOMA and/or Lortab from an undercover officer, a violation of
12 section 13A-12-203 of the Code of Alabama.

13 b. On or about February 12, 2012, in the case of *Department of Health vs. Eugina Rose*
14 *Albrecht*, License No. RN 9281937, Case No. 2011-09091, the Florida Board of Nursing
15 suspended Respondent's registered nursing license. Said suspension was based on Respondent's
16 surrender of her Alabama registered nursing license.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 744819, issued to Eugina
21 Rose Albrecht, aka Eugina Emmons Albrecht;

22 2. Ordering Eugina Rose Albrecht, aka Eugina Emmons Albrecht to pay the Board of
23 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
24 pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: September 15, 2012 Stacie Bunn
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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